



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,478	03/26/2004	William M. Brown	18525-0817	1082

7590 10/28/2008  
Philip G. Meyers Law Office  
Suite300  
1009 Long Prairie Road  
Flower Mound, TX 75022

EXAMINER
----------

CAO, DIEM K

ART UNIT	PAPER NUMBER
----------	--------------

2194

MAIL DATE	DELIVERY MODE
-----------	---------------

10/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,478	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> DIEM K. CAO	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-20 are pending. Applicant has added new claims 18-20.

#### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: claim 5 recites limitation "ISO" and "CMM", ISO and CMM should be expanded.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 6, 7 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U.S. 2002/0147620 A1) in view of Miller et al. (U.S. 2003/0110067 A1).**

As to claim 1, Walsh teaches a method for computer-implemented management of a project using project management software (a Software Quality Assurance Management System ... provide SQA program analysis and reports ... for a process; page 2, paragraphs [0031]-[0032] and [0026]), which project is defined by a series of development activities (activities; page 4, paragraph [0053]), and wherein the project must be evaluated by one or more predetermined

Art Unit: 2194

standards (The architecture ... CMM ... ISO 9000 and/or TL 9000; page 3, paragraph [0042]), each of which standard defines a set of quality assurance steps in order to achieve compliance with the standard for each activity (the SQA Management System ... forms; page 3, paragraph [0043] and page 4, paragraphs [0054]-[0056]), comprising the steps of:

selecting one of the development activities (The audited activities are performed at the scheduled times; page 4, paragraphs [0053] and Once a particular SQA activity has been accomplished ... in the system; page 4, paragraph [0054] and control returns to the step 106 for processing the next planned activity; page 4, paragraph [0056]);

displaying a reporting screen containing reporting instructions for selected development activity, which instructions relate to compliance with the quality assurance steps for that activity according to at least one of the standards (activity form, a finding form displayed on the client computer, observation form; page 4, paragraphs [0054]-[0055] and page 3, paragraph [0042]);

inputting reporting information concerning the selected development phase (the SQA engineer enters ... in the system in the system 20; page 4, paragraphs [0054]-[0055]); and

saving the reported information concerning the selected development phase (documenting the finding in the database; page 6, claim 1, lines 8-9 and documenting the observation in the database; page 6, claim 2, lines 5-6 and the system is used to plan ... record and track findings and observations, and provide SQA program analysis and reports; page 2, paragraph [0031] and page 3, databases; page 3, paragraph [0037]).

Walsh does not explicitly teach the project is defined by a series of development phases, and each phase must be evaluated. However, Walsh teaches each activity in the project must be evaluated (the SQA Management System ... forms; page 3, paragraph [0043] and page 4,

Art Unit: 2194

paragraphs [0054]-[0056]). Miller teaches the project is defined by a series of development phases (Delivery management ...delivery to client ... and deployment, step 1000; page 22, paragraph [0197]), and each phase must be evaluated (a preferred embodiment of the delivery management ... of the CMM or CMMI as well as other overriding business concerns (page 25, paragraph [0224])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Miller to the system of Walsh because Miller teaches a method and related system for assisting and expediting an organization's transformation toward higher levels of the Capability Maturity Model (CMM) or other derivative maturity models, which producing a more mature product (page 2, paragraph [0014]).

As to claim 2, Walsh teaches wherein the instructions ask if one or more documents relating to compliance with one or more of the quality assurance steps for that phase were completed (The SQA auditing activities may include reviewing aspects of various work products for a process (e.g., quality records, design documents, and requirements documents; page 2, paragraph [0032] and page 5, paragraphs [0054]-[0056])).

As to claim 6, Walsh teaches wherein saving the reporting information comprises emailing the reporting information to a quality assurance entity (The system 20 sends notification ... to the audited organization via the client computer system. The system automatically transmits the notification from the auditing entity to the organization through the network 14 via an email; page 4, paragraph [0057])).

As to claim 7, Walsh teaches wherein saving the reporting information comprises saving a copy of the reporting information to a data storage medium (documenting the finding in the database; page 6, claim 1, lines 8-9 and documenting the observation in the database; page 6, claim 2, lines 5-6).

As to claim 11, Walsh teaches maintaining as a data file stored on a data storage medium a file containing target completion dates for each phase of the project (the database component 32 is ... dynamic content; page 3, paragraph [0037]), and displaying graphically the phases completed, phases not completed and past target completion date, and phases not yet completed not yet past target completion date (page 3, paragraphs [0036],[0038]-[0039], and page 5, paragraphs [0069]-[0071]).

As to claim 12, Walsh teaches wherein users at different locations access the project management software through a network (The client computer system ... for communicating with the server computer system 16 via the network; page 2, paragraph [0025] and the server computer 15 ... is operable to provide the client computer systems 12 with a software quality assurance management service; page 2, paragraph [0028]).

As to claim 13, see rejection of claim 1 above. Walsh further teach a host computer (the server computer system 16; see Fig. 1), a database stored on data storage media accessible to the host computer (two database servers; page 3, paragraph [0037]), the database having discrete

Art Unit: 2194

records containing information concerning state of completion of the project (One database server is used to store documents and other database server is used to store data ... dynamic content; page 3, paragraph [0037] and the SQA Engineer records the completed activity in the system; page 4, paragraph [0054] and [0059]).

As to claim 14, Walsh wherein the project management software includes a network interface whereby users can remote access the project management software through a network (The client computer system ... for communicating with the server computer system 16 via the network; page 2, paragraph [0025] and the server computer 15 ... is operable to provide the client computer systems 12 with a software quality assurance management service; page 2, paragraph [0028]).

As to claim 15, Walsh teaches wherein user screens for entering and displaying information with the project management software are accessible as html pages (web browsers; page 2, paragraph [0026] and forms; page 4, paragraph [0054]-[0055]).

As to claim 16, Walsh as modified by Miller teaches wherein the database comprises milestone file of indicators, which keep track of completion of development phases (see Walsh: One database server is used to store documents and other database server is used to store data ... dynamic content; page 3, paragraph [0037] and the SQA Engineer records the completed activity in the system; page 4, paragraph [0054] and [0059]).

As to claim 17, see rejection of claim 11 above.

**5. Claims 3, 4, 5, 8-10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U.S. 2002/0147620 A1) in view of Miller et al. (U.S. 2003/0110067 A1) further in view of Davies et al. (U.S. 2003/0033191 A1).**

As to claim 3, Walsh and Miller do not teach selecting a user role, and displaying a description of what a user having that role should do during the selected phase for each quality assurance step to comply with one of the predetermined standards.

However, Davies teaches selecting a user role, and displaying a description of what a user having that role should do during the selected phase for each quality assurance step to comply with one of the predetermined standards (Each Phase can include a Gate Review; an evaluation ... is made; page 6, paragraph [0120], Each Lifecycle has a set of Roles ... skills; page 6, paragraph [0122], and User Roles ... Quality Assurance ...each type has an associated set of permissions that determine what the user can see and do within the application; page 8, paragraphs [0140]-[0141] and A program manager ... in a Gate review; page 7, paragraph [0147], and the Role Assignment Process; page 10, paragraph [0163], and Gate Reviews; pages 11-12; paragraphs [0182]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Davies to the system of Walsh and Miller because Davies teaches a networked-enabled development software engine that assists users and managers at all



Art Unit: 2194

levels of an enterprise coordinate and keep track of progress and status of development activities (page 2, paragraph [0015]).

As to claim 4, Walsh as modified by Miller and Davies teaches wherein the displayed description comprises composite instructions meeting two or more predetermined standards (see Walsh: activity form, a finding form displayed on the client computer, observation form; page 4, paragraphs [0054]-[0055] and page 3, paragraph [0042]).

As to claim 5, Walsh teaches wherein the predetermined standards comprise ISO and CMM standards (CMM, ISO; page 3, paragraph [0042]).

As to claim 8, Walsh as modified by Miller and Davies teaches wherein the description lists one or more documents required to be completed to satisfy a quality assurance step for the selected development phase (see Walsh: activity form, a finding form displayed on the client computer, observation form; page 4, paragraphs [0054]-[0055] and page 3, paragraph [0042]).

As to claim 9, Walsh teaches wherein the listed document comprises a hyperlink to the required form (the user at the client computer system 12 ... web browsers; page 2, paragraph [0025]).

As to claim 10, Walsh as modified does not explicitly teach wherein the displayed description comprises a table having separate entries for each of planning activities preceding the

Art Unit: 2194

project phase, phase inputs, phase outputs, peer reviews, verification results, validation results, and procedures for handling changes made during the phase. However, Walsh teaches the displayed description includes information for each of planning activities preceding the project phase, phase inputs, phase outputs, peer reviews, verification results, validation results, and procedures for handling changes made during the phase (see Walsh: page 4, paragraphs [0052], [0054, and page 5, paragraphs [0063] and [0069]). It would have been obvious to one of ordinary skill in the art that the information displayed in the system of Walsh could be displayed as a table that having separate entries because displaying information as tables or different manners is just different design.

As to claim 18, see rejections of claims 1, 3 and 8.

As to claim 19, see rejection of claim 4 above.

As to claim 20, see rejection of claim 10 above.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEM K. CAO whose telephone number is (571)272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC  
October, 25 2008.

/Diem K Cao/  
Examiner of Art Unit 2194

Application/Control Number: 10/811,478  
Art Unit: 2194

Page 11